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SUBJECT: GENERAL DEBATE ON THE NON-USE OF FORCE:
STATEMENTS BY THE FRG, TURKEY, UGANDA, AND CYPRUS

1. SUMMARY. GENERAL DEBATE CONTINUED IN THE SPECIAL COMMITTEE ON THE NON-USE OF FORCE ON THE MORNING OF SEPTEMBER 7 WITH STATEMENTS BY THE FRG, TURKEY, UGANDA, AND CYPRUS. THE FRG PRESENTED THE STANDARD WESTERN LEGAL RESERVATIONS TO THE CONCEPT OF A WORLD TREATY ON THE NON-USE OF FORCE; TURKEY--OBVIOUSLY WITH CYPRUS IN MIND--STRESSED THE PROHIBITION OF THE "UNLAWFUL USE OF FORCE" IN CONTRAST TO THE LAWFUL USE OF FORCE; UGANDA GAVE ONLY A LUKEWARM WELCOME TO THE SOVIET INITIATIVE; AND CYPRIOT AMBASSADOR ROSSIDES DELIVERED A LONG-WINDED AND MEANDERING EXTEMPORANEOUS STATEMENT WHICH OCCASIONALLY TOUCHED ON THE SUBJECT AT HAND. END SUMMARY.

2. FRG REP ZEHENTNER PRESENTED THE STANDARD WESTERN LEGAL ARGUMENTS ON THIS SOVIET INITIATIVE. HE NOTED THAT THE PROHIBITION OF THE USE OF FORCE OUTLINED IN ARTICLE 2 PARAGRAPH 4 OF THE U.N. CHARTER IS AN "INJUNCTION OF UNPRECEDENTED FORCE," AND HE ARGUED THAT IF THE CONTENTS

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OF A WORLD TREATY ON THE NON-USE OF FORCE DEVIATED FROM THE U.N. CHARTER, IT WOULD BE DIFFICULT TO AVOID CONFLICTS OF THESE TWO SEPARATE SETS OF LAW. HE NOTED THAT COMMITTEE MEMBERS HAD VOICED "WIDELY DIVERGENT VIEWS" ON THE FULFILLMENT OF THE COMMITTEE'S MANDATE, AND HE STRESSED THE NEED TO OPERATE ON THE BASIS OF CONSENSUS. ZEHENTNER NOTED THAT THE OBLIGATION OF STATES TO SETTLE

DISPUTES BY PEACEFUL MEANS IS A LOGICAL COROLLARY OF THE NON-USE OF FORCE, AND HE MAINTAINED THAT CREDIBLE ALTERNATIVES TO THE USE OF FORCE MUST BE OFFERED. HE ARGUED THAT THE LEGAL FORM OF THE COMMITTEE'S WORK MUST BE DECIDED AFTER CAREFUL ANALYSIS, AND HE ASSERTED THAT THE COMMITTEE'S TASK REQUIRES "TIME, PATIENCE, AND IMAGINATION."

3. TURKISH REP PANCARCI BELIEVED THAT IT IS PREMATURE TO FORESEE THE RESULT OF THE COMMITTEE'S WORK, BUT HE FELT THAT A GOOD RESULT CAN BE OBTAINED ONLY WITH THE ACTIVE COOPERATION AND COLLABORATION OF THE "OVERWHELMING MAJORITY OF ITS MEMBERS"--A PHRASING WHICH IS SOMETHING LESS THAN A CALL FOR CONSENSUS. WITH AN EYE OBVIOUSLY TURNED TO THE TURKISH ROLE IN CYPRUS, PANCARCI MAINTAINED THAT ANY DOCUMENT--WHETHER A TREATY, DECLARATION, OR OTHER FORM--RESULTING FROM THE COMMITTEE'S WORK SHOULD SPECIFY THAT THE USE OF FORCE IN AN "UNLAWFUL" MANNER SHOULD BE PROHIBITED. HE ARGUED THAT THE USE OF FORCE IN A "LAWFUL WAY" WILL ALWAYS BE NECESSARY FOR THE MAINTENANCE OF PEACE AND ORDER AS PROVIDED FOR IN ARTICLE 51 AND IN CHAPTER VII OF THE U.N. CHARTER. HE MAINTAINED THAT THE RULE OF PACTA SUNT SERVANDA IS THE BACKBONE OF CLASSICAL AND MODERN INTERNATIONAL LAW AND THAT THIS PRINCIPLE IS EVEN MORE IMPORTANT THAN THE NON-USE OF FORCE.

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4. UGANDAN REP WANI DEPLORED "WARS BY PROXY," DECRIED THE POLICY OF "SPHERES OF INFLUENCE," AND EXXRESSED SUPPORT FOR PEOPLES UNDER COLONIAL DOMINATION AND FOREIGN RULE, PARTICULARLY IN SOUTHERN AFRICA. ALTHOUGH HE WELCOMED THE SOVIET INITIATIVE TO DELIBERATE THE ISSUE OF THE NON-USE OF FORCE, HE DECLARED THAT HIS DELEGATION WOULD OBJECTIVELY EXAMINE ALL PROPOSALS, THAT THE ISSUE SHOULD NOT BE PREJUDGED AT THIS POINT, AND THAT EVERY CHANNEL SHOULD BE EXPLORED.

5. CYPRIOT AMBASSADOR ROSSIDES DELIVERED HIS DELEGATION'S SECOND INTERVENTION OF THE GENERAL DEBATE. IN THE COURSE OF HIS EXTEMPORANEOUS, MEANDERING, AND LENGTHY PRESENTATION, THE MAIN POINT ROSSIDES STRESSED WAS THE IMPORTANCE OF "PUTTING TEETH" INTO THE PROHIBITION OF THE USE OF FORCE. HE SUGGESTED AN ADDITION TO THE SOVIET DRAFT TREATY ALONG THESE LINES: "VIOLATION OF THIS OBLIGATION SHALL ENTAIL ENFORCEMENT MEASURES PROVIDED FOR UNDER CHAPTER VII OF THE CHARTER." HE FURTHER ARGUED THAT THERE SHOULD BE AN ENHANCING OF PROVISIONS FOR THE PEACEFUL SETTLEMENT OF DISPUTES. ROSSIDES ALSO SUCCEEDED IN WORKING INTO HIS SPEECH THE OBLIGATORY REFERENCE TO

THE CYPRUS DISPUTE.

6. GENERAL DEBATE IS TO CONCLUDE IN THE MORNING OF
SEPTEMBER 8. AN AFTERNOON SESSION IS SCHEDULED FOR
CONSIDERATION OF PROCEDURAL QUESTIONS (SEE SEPTTEL).
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